

## **EXHIBIT G**

AIKEN, SC - JANUARY 23, 1998

MR DM KIMBROUGH;  
GENERAL MANAGER

## THE FOLLOWING NON-REPORTABLE INJURY IS BEING SUBMITTED:

DATE	TIME	NAME	OCCUPATION	LOCATION
1-23-98	1:40PM	LE KIRKLAND	CONDUCTOR	WARRENVILLE SC
SENIORITY DATE		PREVIOUS INJURIES	SUPERVISOR	
10-23-75		6 INJURIES 2 REPORTABLE 4 NON-REPORTABLE	JE CHAPMAN	

Mr. Kirkland suffered a bruised right palm and bruised left lower side/back injuries on January 23, 1998 at approximately 1:40 PM. Kirkland was performing service on the p22p023, Aiken, South Carolina and reporting for duty at 7:00 AM. Kirkland has been working this position for several years and is very familiar with his assignment. He was born on May 9, 1955.

## THE ACCIDENT;

This crew transported 26 cars from Aiken to Warrenville. These cars were destined to the siding at Warrenville for through train pick-up. These same cars had to be switched into classification order at Warrenville. Six cars were left on the main track at the south end. Two handbrakes were applied to the north two cars by Conductor Kirkland. After switching 20 cars these six cars had to be set on the south end of the siding. Brakeman Sharpe coupled unit 5172 to the six standing cars. After doing so, Sharpe was coupling air to the lead car and Kirkland was releasing the two handbrakes. Rear car Sou-99418 was the last brake to be released. This brake is a low end, vertical mounted with a quick release 26 inch lever. Kirkland stated he was in a four point stance when he lost his grip and footing. He states that the quick release did not work so he grabbed the top of brake wheel with his right hand. When he attempted to pull the brake wheel towards him in a counter clockwise motion, his right hand slipped causing his left to slip and footing was lost.

Kirkland fell backward landing on his left lower back area. In the attempt to break his fall Kirkland bruised the palm area of his right hand. Kirkland attributes his loss of grip and footing to product contamination on the car. Steady rain caused the clay residue to become slippery.



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Bruising and injuries were caused by the mainline ballast.

**TREATMENT:**

Kirkland did not desire any medical attention.

**ACCIDENT SCENE:**

This area consists of one main track and one storage track. The storage is use for set-off and pick-ups for the Aiken local. This area has good level walking conditions consisting of mainline ballast. Tracks are tangent and level. Employees had been operating in a steady rain for several hours. The clay cars were contaminated with a wet clay coating. Clay was also found underneath these cars washed off by the rain showers. We could not find any indication of a fall in the area indicated by Mr. Kirkland. He stated that the fall took place 16 car lengths from the south switch at Warrenton.

**INCIDENT INVESTIGATION:**

The incident was investigated by Officers Burgess, Gosnell, Roberson, Chapman, and Marcum. The engine tape was pulled for future reference. Inspection of car, Sou 99418 revealed that the release mechanism did work properly. Kirkland stated that he released one handbrake on second from rear car and moved to the rear car. The handbrake on Sou 99148 was on the north end and this was the trailing car in a consist of six. He stated that the quick release did not work. He also stated in an attempt to release the handbrake with his right hand he lost his grip and footing. His testimony stated that the handbrake was never released but the brake was found to be released by the team.

Kirkland stated that after his fall he jumped up and checked himself out. Brakeman Sharpe radioed Kirkland to see if he was in the clear and the cars were moved. Kirkland positioned himself to protect the shove move on the siding. The team proved that the handbrake had to be released but Kirkland stated that his attempt failed.

During the fall the engineer was located on the southeast short hood lead side of locomotive. Brakeman Sharpe was located on the northwest side of unit during incident. Kirkland fell six car lengths from the locomotive on the northeast side of car Sou 99418.

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Engineer McFarland and Brakeman Sharpe did not observe the incident. Mr. Kirkland were wet and made of leather. His boots are made by Wolverine, steel toed, defined heel with worn out, slick soles. He was wearing safety glasses and utilizing his radio holster. The cars were shipped from J.M. Huber, North Aiken and released this same day.

TRAINING:

See his attached history.

PERSONAL HISTORY:

See his attached personal history.

EQUIPMENT:

Sou 99418 is a covered hopper type clay load with crushed clay. It is in clay service for Huber. It is found to be in good working order with some residue contamination. The brake wheel did not have contamination on during the teams inspection. However, the crossover platform, ladders, and footholds were found to be contaminated.

CREW:

Engineer JB Mc Farland  
Conductor LE kirkland  
Brakeman CJ Sharpe

J. L. WAGNER

January 29, 1998

UPDATE

Mr. D. M. Kimbrough, General Manager:

THE FOLLOWING REPORTABLE INJURY IS BEING UPDATED TO LOST TIME.

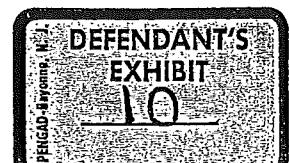
DATE	TIME	NAME	OCCUPATION	LOCATION
1-23-98	1:40 PM	L. E. KIRKLAND, JR.	CONDUCTOR	WARRENVILLE, SC
SENIORITY DATE		NO. PREVIOUS INJURIES		SUPERVISOR
10-23-75		6 INJURIES		J. E. CHAPMAN
		2 REPORTABLE		
		4 NON-REPORTABLE		

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THE ACCIDENT:

This crew transported 26 cars from Aiken to Warrenville. These cars were destined to the siding at Warrenville for through train pick-up. These same cars had to be switched into classification order at Warrenville. Six cars were left on the main track at the south end. Two handbrakes were applied to the north two cars by Conductor Kirkland. After switching 20 cars, these six cars had to be set on the south end of the siding. Brakeman Sharpe coupled unit 5172 to the six standing cars. After doing so, Sharpe was coupling air to the lead car and Kirkland was releasing the two handbrakes. Rear car SOU 99418 was the last brake to be released. This brake is a low end, vertical mounted with a quick release 26 inch lever. Kirkland stated he was in a four point stance when he lost his grip and footing. He states that the quick release did not work so he grabbed the top of the brake wheel with his right hand. When he attempted to pull the brake wheel towards him in a counter clockwise motion, his right hand slipped causing his left to slip and footing was lost.

Kirkland fell backward landing on his left lower back area.



In the attempt to break his fall, Kirkland bruised the palm area of his right hand. Kirkland attributes his loss of grip and footing to product contamination on the car. Steady rain caused the clay residue to become slippery. Bruising and injuries were caused by the mainline ballast.

### **TREATMENT:**

Kirkland did not desire any medical attention.

## ACCIDENT SCENE:

This area consists of one main track and one storage track. The storage is used for set-offs and pick-ups for the Aiken local. This area has good level walking conditions consisting of mainline ballast. Tracks are tangent and level. Employees had been operating in a steady rain for several hours. The clay cars were contaminated with a wet clay coating. Clay was also found underneath these cars washed off by the rain showers. We could not find any indication of a fall in the area where Kirkland stated the fell. He stated that the fall took place 16 car lengths from the south switch at Warrenville.

## INCIDENT INVESTIGATION:

The incident was investigated by Officers, Burgess, Gosnell, Roberson, Chapman and Marcum. The engine tape was pulled for future reference. Inspection of car, SOU 99418 revealed that the release mechanism did not work properly. Kirklnad stated that he released one handbrake on a second from rear car and moved to the rear car. The handbrake on SOU 99418 was on the north end and this was the trailing car in a consist of six. He stated that the quick release did not work. He also stated in an attempt to release the handbrake with his right hand he lost his grip and footing. He stated that the handbrake was never released but the brake was found to be released by the team.

Kirkland stated that after his fall, he jumped up and checked himself out. Brakeman Sharpe radioed Kirkland to see if he was in the clear and the cars were moved. Kirkland positioned himself to protect the shove move on the siding. The team proved that the handbrake had to be released, but Kirkland stated that his attempt failed.

During the fall the engineer was located on the southeast short hood lead side of the locomotive. Brakeman Sharpe was

located on the northwest side of the unit during the accident. Kirkland fell six car lengths from the locomotive on the northeast side of car SOU 99418. Engineer McFarland and Brakeman Sharpe did not observe the incident. Mr. Kirkland's gloves were wet and made of leather. His boots are made by Wolverine, steel toes, defined heel with worn out slick soles. He was wearing safety glasses and utilizing his radio holster. the cars were shipped from J. M. Huber, North Aiken and released this same day.

**TRAINING:**

See his attached history.

**PERSONAL HISTORY:**

See his attached personal history.

**EQUIPMENT:**

SOU 99418 is a covered hopper loaded with crushed clay and is in clay service for Huber. It was found to be in good working order with some residue contamination. The brake wheel was not found to be contaminated during the team's inspection. However, the crossover platform, ladders and footholds were found to be contaminated.

**CREW:**

Engineer J. B. McFarland  
Conductor L. E. Kirkland, Jr.  
Brakeman C. J. Sharpe

**UPDATE:**

On Monday, January 26, 1998 at 7:00 AM, Trainmaster Chapman spoke with Conductor Kirkland as he reported for work at the Aiken Depot. Kirkland reported that after resting over the weekend his back felt much better and he thought he would be okay.

At 11:45 AM, Kirkland requested that Trainmaster Chapman meet him at the Aiken Depot. Conductor Kirkland reported the more he worked the tighter his back became. Kirkland advised he could

finish the day, but was not sure how fit he would be for service if the pain persisted.

On Tuesday, January 27, 1998 at 7:00 AM, Kirkland reported for work at the Aiken Depot. Shortly after reporting for duty he contacted Superintendent of Terminals Roberson and requested to see a doctor.

At 10:30 AM, Kirkland and Superintendent of Terminals Roberson arrived at the office of Dr. C. Tucker Weston, 1410 Barnwell Street, Columbia, South Carolina. The examination revealed Conductor Kirkland had muscle spasms causing discomfort and tightness in his lower back with no apparent damage to bone structure. Dr. Weston advised Kirkland to take Ibuprofen for pain and a non-prescription analgesic applied locally to ease muscle spasms.

At 3:30 PM, Kirkland call Superintendent of Terminals Roberson and requested a second medical opinion. An attempt to schedule an appointment with the Midland Orthopedics, 320 Harbison Boulevard, Columbia, South Carolina, was unsuccessful.

On Wednesday, January 28, 1998 at 2:15 PM, Conductor Kirkland scheduled an appointment with Dr. Thomas R. Jackson, Aiken Medical Center, Suite 1510, 210 University Parkway, Aiken, South Carolina. During Dr. Jackson's examination, Kirkland explained his fall and pain in his lower back, tightness of the right thumb and subsequent headaches. Dr. Jackson recommended Ibuprofen for Kirkland's back spasms, prescribed Tylenol 3 for his headache and advised Kirkland to see Dr. Holford on February 3, 1998 if his thumb did not improve. Dr. Jackson told Kirkland to stay away from work and return to his office on February 4, 1998. The doctor advised a week of rest and Kirkland should be ready to return to work. No x-rays were taken.

Trainmaster Chapman met with Kirkland as he was departing Aiken Medical Center. Kirkland advised Trainmaster Chapman after his examination on Tuesday with Dr. Weston, UTU Local Chairman Coleman advised him to seek a second opinion. According to Kirkland, UTU Local Chairman Coleman described Orthopedic Surgeon C. Tucker Weston "as a Quack".

Mr. Kirkland reported he had been advised by UTU General Chairman Barbee and UTU Local Chairman Coleman not to return to work unless he was 100 percent. They justified this advice by saying "any injury or incident that might occur would be blamed on Mr. Kirkland."

Effective January 28, 1998, L. E. Kirkland is marked off injured. As of this date, Kirkland's injury status is upgraded to lost time. Estimated time away from work is one week.

J. L. Wagner  
Superintendent